

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

THE ESTATE OF EMILY ANN)
HARRISON, deceased, by Maranda)
Campbell, Personal Representative, and)
MRH, a minor, by her Guardians, Alice)
Harrison and Maranda Campbell,)
Plaintiffs,)

v.)

DR. KIMBERLY A. HESS, DR. DANIEL)
LOTT, and NORTSHORE HEALTH)
CENTERS, INC.,)
Defendants.)

CAUSE NO. 2:14-CV-345-RL-PRC

ORDER

This matter is before the Court on a Motion for Substitution of Party [DE 16], filed by the Government on January 13, 2015.

The Government moves the Court pursuant to 28 U.S.C. § 2679 to substitute the United States of America for Defendants Dr. Kimberly A. Hess, Dr. Daniel Lott, and NorthShore Health Centers, Inc. United States Attorney David Capp has filed a certification that at all relevant times, NorthShore Health Centers, Inc. was deemed an entity as an employee of the Public Health Service Act pursuant to the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(g)-(n) and that Defendants Dr. Hess and Dr. Lott were acting within the scope of their employment as Public Health Service employees of NorthShore Health Centers, Inc. at the time of the events on which this lawsuit is based.

The Federal Tort Claims Act (“FTCA”) provides that a suit against the United States shall be the exclusive remedy for persons with claims for damages resulting from the actions of federal

employees taken within the scope of their office or employment. 28 U.S.C. § 2679(b) (1988). Pursuant to the Federal Employees Liability Reform and Tort Compensation Act, which amended the FTCA,

[u]pon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and *the United States shall be substituted as the party defendant.*

28 U.S.C.A. § 2679(d) (1988) (emphasis added). Pursuant to 28 C.F.R. § 15.4, “[t]he United States Attorney for the district where the civil action or proceeding is brought ... is authorized to make the statutory certification that the Federal employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose.”

Finding the motion well taken, the Court hereby **GRANTS** the Motion for Substitution of Party [DE 16] and **ORDERS** that the United States of America be **SUBSTITUTED** for NorthShore Health Centers, Inc., Dr. Kimberly A. Hess, and Dr. Daniel Lott as the sole Defendant in this case. The Court **DIRECTS** the Clerk of the Court to amend the caption of this case to show the “United States of America” as the only Defendant.

SO ORDERED this 15th day of January, 2015.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record